

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

DECISION and ORDER

-vs-

16-CR-6040 CJS

CHRISTOPHER EBERHARDT,

Defendant.

This case was referred by text order of the undersigned, docketed May 10, 2016, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On June 17, 2016, Defendant Christopher Eberhardt filed an omnibus motion seeking various forms of relief, including an application to suppress statements, ECF No. 20.

Regarding Defendant's application to suppress statements, an evidentiary hearing was held before Magistrate Judge Payson on August 10, 2016, ECF No. 25, and a transcript of the proceeding was filed on January 10, 2017, ECF No. 39. On June 8, 2017, Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 53, recommending that Defendant's application to suppress statements be denied. On June 22, 2017, Defendant filed an "Objection to the Magistrate Judge's Report and Recommendation Concerning Defendant's Motion to Suppress," ECF No. 54.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the R&R to which objections have been made. Upon a *de novo* review of the R&R, ECF No. 53, and the transcript of the evidentiary hearing,

the Court accepts Magistrate Judge Payson's proposed findings and recommendations.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, ECF No. 53, Defendant's application to suppress statements is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
July 21, 2017

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge